
REMARKS

Claims 1, 2, 18, 26, and 27 are currently amended. Claims 88-107 are added. Applicant respectfully submits that the amendments and added claims contained herein are fully supported by the Specification as originally filed and do not include new matter.

Claim Rejections Under 35 U.S.C. § 102

Claims 1, 3, 4, 5, 12-16, 17, 18, 19, 23, 24 and 25 were rejected under 35 U.S.C. § 102(e) as being anticipated by Park et al. (U.S. Publication 2001/0024860). Claims 26, 28-30, 37-40, and 42 were rejected under 35 U.S.C. § 102(e) as being anticipated by Weldon et al. (U.S. Publication 2004/0190215). Applicant respectfully traverses. Applicant respectfully reserves the right to swear behind Park et al. and Weldon et al.

Claims 1 and 18, as currently amended, each recite the presence of dopant material below the surface is confined to the pores. Park et al., as indicated in paragraph [0014], removes metallic vacancies in an aluminum oxide layer 130 by doping aluminum oxide layer 130 with silicon ions using silicon ion plasma doping. As such, the silicon ions present below the surface aluminum oxide layer 130 are not confined to pores of aluminum oxide layer 130, but are present anywhere below the surface where there was previously an unoccupied site for an ion in aluminum oxide layer 130. Therefore, Park et al. does not include each and every recitation of claim 1 or 18, so claims 1 and 18 should be allowed.

Claims 3-5, 12-16, and 17 depend from claim 1 and are thus allowable for at least the same reasons as claim 1. Claims 19 and 23-25 depend from claim 18 and are thus allowable for at least the same reasons as claim 18. Therefore, claims 3-5, 12-16, 17, 19, and 23-25 should be allowed.

Claim 26, as currently amended, recites the presence of dopant material below the surface is confined to the pores. There is no indication of this in Weldon et al. Therefore, Weldon et al. does not include each and every recitation of claim 26, so claim 26 should be allowed.

Claims 28-30, 37-40, and 42 depend from claim 26 and are thus allowable for at least the same reasons as claim 26. Therefore, claims 28-30, 37-40, and 42 should be allowed.

Claim Rejections Under 35 U.S.C. § 103

Claims 6-7, 8-11, and 20-22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Park et al. Claims 31-32, 33-36, 41, and 43-45 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Weldon et al. Applicant respectfully traverses. Applicant respectfully reserves the right to swear behind Park et al. and Weldon et al.

Claims 1 and 18, as currently amended, are patentably distinct from Park et al. Claims 6-7 and 8-11 depend from claim 1 and are thus allowable for at least the same reasons as claim 1. Claims 20-22 depend from claim 18 and are thus allowable for at least the same reasons as claim 18. Therefore, claims 6-7, 8-11, and 20-22 should be allowed.

Claim 26, as currently amended, is patentably distinct from Weldon et al. Claims 31-32, 33-36, 41, and 43-45 depend from claim 26 and are thus allowable for at least the same reasons as claim 26. Therefore, claims 31-32, 33-36, 41, and 43-45 should be allowed.

Double Patenting Rejection

Claims 1-45 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-51 of U.S. Patent No. 6,858,865. Applicant has included a Terminal Disclaimer herewith to address the rejection. In view of the Terminal Disclaimer, Applicant respectfully requests reconsideration and withdrawal of the rejection, and allowance of claims 1-45.

Allowable Subject Matter

Claims 2 and 27 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims. Applicant has amended claims 2 and 27 as suggested by the Examiner. Applicant thus respectfully requests reconsideration and withdrawal of the objection, and allowance of claims 2 and 27.

Added Claims

Claims 88-107 are added. Claims 88-95 depend from claim 2 and are thus allowable for at least the same reasons as claim 2. Claims 96-107 depend from claim 27 and are thus

allowable for at least the same reasons as claim 27. Therefore, claims 88-107 should be allowed.

Applicant respectfully requests admission and allowance of claims 88-107.

CONCLUSION

In view of the above remarks, Applicant believes that the claims are in condition for allowance and respectfully requests a Notice of Allowance be issued in this case. If the Examiner has any questions regarding this application, please contact the undersigned at (612) 312-2208.

Respectfully submitted,

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